

## **FISCAL NOTE**

### **HB 2465 - SB 2580**

February 18, 2008

**SUMMARY OF BILL:** Requires a person convicted of an offense of child abuse, child neglect or endangerment, aggravated child abuse or aggravated child neglect or endangerment to serve 100 percent of the sentence imposed by the court undiminished by any sentence reduction credits. Such requirement applies only if the offense occurs on or after July 1, 2008.

### **ESTIMATED FISCAL IMPACT:**

#### **Increase State Expenditures - \$2,164,600/Incarceration\***

##### Assumptions:

- Currently, release eligibility is governed by Tenn. Code Ann. § 40-35-501, and the percentage (ranging from 20 to 60 percent) of the sentence an offender must serve before becoming eligible for release depends on the offender's classification and criminal history. Under current law, an offender convicted of aggravated child abuse must serve 85 percent of the sentence imposed by the court.
- During FY07, there were 36 offenders admitted to the Department of Correction (DOC) for a Class D felony offense of child abuse, two were admitted for a Class B felony offense of aggravated child abuse, and 11 were admitted for a Class A felony offense of aggravated child abuse.
- DOC estimates 36 offenders would have to serve an additional 1.4 years (an increase from 0.6 years to 2.0 years) on their sentence as a result of this bill in the first year. According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth will result in four additional offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 40 offenders serving additional time in the tenth year as a result of this bill.
- According to DOC, the average operating cost per inmate per day for calendar year 2008 is \$62.78. The cost per inmate at 0.6 years is \$13,758.24 (\$62.78 x 219.15 days). The cost per inmate at 2.0 years is \$45,860.79 (\$62.78 x 730.50 days). The additional cost from increasing the average sentence from 0.6 years to 2.0 years is \$32,102.55

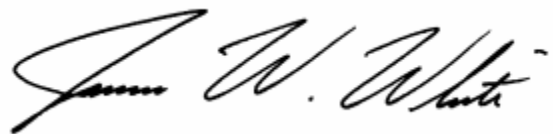
(\$45,860.79 - \$13,758.24). The total additional operating cost for 40 offenders is \$1,284,102 (\$32,102.55 x 40).

- Two offenders would have to serve an additional 1.2 years (an increase from 6.8 years to 8.0 years). The cost per inmate at 6.8 years is \$155,926.69 (\$62.78 x 2,483.70 days). The cost per inmate at 8.0 years is \$183,443.16 (\$62.78 x 2,922 days). The additional cost from increasing the average sentence length from 6.8 years to 8.0 years is \$27,516.47 (\$183,443.16 - \$155,926.69). The total additional operating cost for two offenders is \$55,032.94 (\$27,516.47 x 2).
- Eleven offenders would have to serve an additional 3.0 years (an increase from 17.0 years to 20.0 years) in the first year. Population growth will result in one additional offender in the tenth year as a result of this bill. The maximum cost in the tenth year is based on 12 offenders. The cost per inmate at 17.0 years is \$389,816.72 (\$62.78 x 6,209.25 days). The cost per inmate at 20.0 years is \$458,607.90 (\$62.78 x 7,305 days). The additional cost from increasing the average sentence from 17.0 years to 20.0 years is \$68,791.18 (\$458,607.90 - \$389,816.72). The total additional operating cost for 12 offenders is \$825,494.16 (\$68,791.18 x 12).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc